



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: NREW DPA 6-5-0-2-0

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## **HB 2749: endangered species conservation; confidential information**

**Sponsor: Representative Griffin, LD 14**

**House Engrossed**

### **Overview**

Requires information collected by state agencies from a private landowner as part of an endangered species survey or other species research or conservation plan to be confidential and establishes civil penalties for violations.

### **History**

The Endangered Species Act (Act) is administered by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service and protects and helps recover vulnerable species and their habitats. Under the Act, species may be listed as either "endangered" or "threatened" based on their present status and threats to their existence ([16 U.S.C. § 1533](#)). The Act protects endangered and threatened species from being taken or harmed, which includes significant habitat modification or degradation that may kill or injure them ([16 U.S.C. § 1538](#)). Those who want to develop an area where a listed species lives can apply for a permit that will allow them to incidentally injure or kill that species if they have developed a *habitat conservation plan*, which must:

- 1) Assess the potential impact to these species from this activity;
- 2) Detail actions that will be taken to minimize and mitigate those impacts;
- 3) Describe funding that will be available to implement these actions; and
- 4) Explain alternative actions that had been considered and why these actions were not taken ([16 U.S.C. § 1539](#)).

Additionally, the FWS keeps a list of species that may qualify for listing as "endangered" or "threatened" but that are at a lower priority. Species on this "candidate" list are not protected by the Act. [Candidate conservation agreements](#) are voluntary agreements between FWS and other parties that detail efforts that will be implemented to address threats to the candidate species. Similarly, [candidate conservation agreements with assurances](#) offer participating land owners assurances in a permit that if they implement certain conservation measures, they will not be required to implement additional measures.

### **Provisions**

1. Requires information collected by state agencies from a private landowner as part of an endangered species survey or other species research or conservation plan to be confidential. (Sec. 1)
2. Forbids information on the specific location, identification or quantity of an animal or plant species from being disclosed to any person, including state or federal agencies, for which an endangered species survey or other species research or a conservation plan, or both, is under consideration, development, or implementation. (Sec. 1)
3. Limits the state agency to disclosing the above information to the person that provided the information, unless that person consents to full or specified partial disclosure.

4. Specifies that confidential information about species must only be collected through a standardized form in which property owners provide written consent to have their property surveyed, enrolled or potentially subject to enrollment in a conservation plan. (Sec. 1)
5. Establishes a civil penalty of \$25,000 for each violation of the property owner confidentiality requirements. (Sec. 1)
6. Defines *confidential information, conservation plan, endangered species, endangered species act, property owner, research, species* and *state agency*. (Sec. 1)
7. **Contains a delayed effective date of January 1, 2021.** (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note